

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16-CV-000396-RB-GJF
No. 06-CR-00706-RB

VICTOR CLAY RICHARDSON,

Defendant.


ORDER

This matter is before the Court, *sua sponte* under Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, on Defendant's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. [CV Docs. 1, 2; CR Docs. 122, 124] Defendant has been granted "authorization to file a second or successive § 2255 motion in district court to raise a claim based on *Johnson v. United States*," 135 S. Ct. 2551 (2015), which invalidated the residual clause of the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e)(2)(B)(ii). [CV Doc. 4; CR Doc. 126] Because Defendant's § 2255 motion is not subject to summary dismissal, the Court will direct the United States to file an answer.

IT IS THEREFORE ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's § 2255 motion [CV Docs. 1, 2; CR Docs. 122, 124], and supporting papers and exhibits, if any, together with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three days of entry of this Order, the United States answer Defendant's § 2255 motion.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE